


MEMORANDUM

April 11, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: STEPHANIE J. FARRELL 
Deputy County Counsel
Public Services Division

RE: Kyle M. v. Los Angeles Unified School District and Los Angeles
County Department of Mental Health
Administrative Hearing Case No. SN 04-01302

DATE OF
INCIDENT: December 2003 and Ongoing

AUTHORITY
REQUESTED: \$30,075.00

COUNTY
DEPARTMENT: Department of Mental Health


CLAIMS BOARD ACTION:

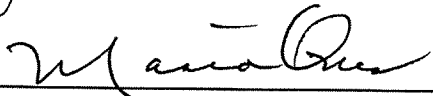
☒ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on May 2, 2005

SUMMARY

Authority to settle a disputed claim related to a special education student is sought. The parties to this recommended settlement are: Kyle M., a minor, the Los Angeles Unified School District and the Los Angeles County Department of Mental Health ("DMH"). The issues relate to mandated educational services and associated mental health services.

LEGAL PRINCIPLES

This is a case involving special educational and mental health services to a minor under state and federal law. The minor, through his parent, claimed that the defendants denied Kyle M. his entitlements to certain special educational and mental health services. It is admitted by the defendants that general entitlements are involved, with the dispute being over the extent thereof and related compensation issues. This is a so-called "unilateral placement" case, where a parent unilaterally places a child in a setting and subsequently seeks reimbursement for it. Special education case law has made it difficult to successfully defend these cases. However, new legislation, if enacted, may reduce the incidence of these cases in the future.

SUMMARY OF FACTS

Kyle M.'s mother, claiming violations of state and federal special education and related mental health laws, placed her son in the Summit Preparatory School, a private facility, from December 2003, through December 2004. In addition, she commenced an administrative proceeding under these laws against defendants, seeking specific relief and compensatory damages. The parties to this case met in the context of the administrative proceedings and agreed on a settlement to resolve their differences.

Under the special education administrative procedure, the parties are encouraged to resolve their differences before proceeding with the administrative hearing. In most cases, where liability is clear or likely, DMH and the school district are able to work out a compromise resolution. That is what happened in this case, which DMH recommends to Claims Board's favorable consideration. The settlement essentially takes care of the past and establishes a more structured and appropriate process for the future.

Kyle M.'s parent would be reimbursed for a substantial portion of the cost of the private placement. DMH's share is approximately one-half of the amount, not to exceed \$25,675 for the claims set forth in the administrative proceeding. In addition, the defendants agreed prospectively to conduct certain assessments and to provide certain services and related activities. The parties also agreed to pay a stipulated amount of attorneys' fees.

DAMAGES

Had the parties not settled their differences, the compensatory damages and related costs and fees, including attorneys' fees, could well have far exceeded the settlement. Given the current state of special education law, especially as interpreted by the Courts, it would be an uphill battle for DMH and the school district to prevail in the administrative hearing and in any subsequent court review. Thus, we would anticipate an even larger amount of "compensatory damages" (placement costs) and attorneys' fees amounts dwarfing this recommended settlement.

STATUS OF CASE

As set forth above, the administrative proceeding has been dismissed and the other parts of the settlement have been performed, with the exception of the payments by the other parties.

EVALUATION

The Claims Board's favorable consideration of this recommended settlement is respectfully requested by DMH as a cost effective resolution of this matter. This office concurs.

APPROVED:

A handwritten signature in black ink, appearing to read "Richard K. Mason", written over a horizontal line.

RICHARD K. MASON
Assistant County Counsel

RKM:if